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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Toyokazu Sugai

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EXAMINER

TRAN, HAI V

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/802,961

Applicant(s)

SUGAI ET AL.

Examiner

Hai Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, dated 10/30/2006, with respect to Ogawa reference is noted; The previous Office action has been withdrawn. However, a new ground(s) of rejection is established in view of, Program and System Information Protocol For terrestrial Broadcast and Cable (Doc. A/65- 23 Dec. 1997).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim 1-11, and 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (Applicant Specification pages 1-2) in view of Program and System Information Protocol For terrestrial Broadcast and Cable (Doc. A/65- 23 Dec. 1997).

Claim 1, Admitted Prior Art clearly anticipates an electronic program guide providing device (Applicant Specification pages 1-2) comprising:

an editing means for editing electronic program information;

an electronic program information storage means for storing the electronic program information edited by said editing means;

a table generation means for generating a plurality of electronic program guide information tables by using the electronic program information stored in said electronic program information storage means, said plurality of electronic program guide information tables including a 1<sup>st</sup> table events, and at least a 2<sup>nd</sup> table events occurring at different times or including different content from the events in the 1<sup>st</sup> table;

wherein when updating the electronic program information stored in said electronic program information storage means, said editing means generates update information on the updating of the electronic program information; and

Said table generation means regenerates all of the EPG information table at predetermined time intervals regardless of whether or not the electronic program information associated with a table updated; wherein the 1<sup>st</sup> table of events is separately regenerated at a time or in content different from the second table of events.

Self-Admitted prior art does not clearly disclose the table generation means determines which of said plurality of electronics program guide information tables needs to be generated based on said update information generated by said editing means and generates only those electronic program guide information tables that are determined to need updating by using the electronic program information stored in said electronic program information storage means;

Program and System Information Protocol For terrestrial Broadcast and Cable, now DOC. A/65, discloses which of said plurality of electronics program guide

information tables needs to be generated based on the update information generated by the editing means and generates only those electronic program guide information tables that are determined to need updating by using the electronic program information stored in the electronic program information storage means (pages 72-74 and 76-79). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Self-admitted prior art with the teaching of DOC. A/65 so to reduce bandwidth usage between the central delivery center of master EPG and each of the remote broadcasting distribution stations by identifying only tables that need to be updated (pages 72-74).

Claim 2, Self-Admitted art clearly meets the claimed limitation "an update information storage means for storing the update information generated by said editing means, and wherein, when updating the electronic program information stored in said electronic program information storage means, said editing means stores the update information on the updating of the electronic program information in said update information storage means".

Claims 3 and 4, "wherein each of the plurality of electronic program information tables corresponds to the type of electronic program information included therein" is further met by Self-Admitted prior art.

Claims 5 and 6, "wherein the table generation means updates only one or more electronic program information tables that needs to be updated at predetermined interval" is further met by Self-Admitted prior art as discussed in claim 1.

Claims 7 and 8, "wherein said table generation means sets the length of predetermined intervals at which only one or more electronic information tables that needs to be updated are updated according to a sending frequency of an electronic program information table with the largest sending frequency" is further met by Self-admitted prior art because according to the updating process, the largest sending frequency of updating would also update the EPG information tables that have the smallest sending frequency.

Claims 9 and 10, "wherein the table generation means sets the length of predetermined intervals at which each of one or more electronic program information tables that need to be updated is updated according to a sending frequency of each of the one or more electronic program information tables" is further met by Admitted Prior Art.

Claim 11, Self-admitted prior art in view of DOC. A/65 (see pages 72-74; Fig. D1-D2) further discloses wherein the device includes a plurality of editing means,

and each of the plurality of editing means inspects update information generated by any other means stored in the updated information storage means.

Claims 16-17, Self-Admitted prior art (see applicant specification pages 1-2) in view of DOC. A/65 (see pages 71-74; Fig. D1-D2) further disclose "wherein the device includes a plurality of table generation means for generating the plurality of electronic program guide information tables while sharing a load of generating the EPG information table.

Claims 18-19, Self-Admitted prior art (see applicant specification pages 1-2) in view of DOC. A/65 (see pages 71-74; Fig. D1-D2) further disclose wherein the table generation means provides the plurality of electronic program guide information tables at predetermined time intervals, and updating the EPG information table, provides the updated EPG table at the same time that it updates the EPG information table.

Claim 20, method claim is analyzed with respect to claim 1.

Claim 21, method claim is analyzed with respect to claim 5.

Claim 22, method claim is analyzed with respect to claim 9.

Claim 23, method claim is analyzed with respect to claim 10.

3. Claims 12-15 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (Applicant Specification pages 1-2) in view of Program and System Information Protocol For terrestrial Broadcast and Cable (Doc. A/65- 23 Dec. 1997), and further in view of Thomas et al. (US 5666654).

Claim 12, Admitted Prior Art in view of DOC. A/65 does not clearly disclose wherein said update information storage means stores histories of the update information generated by said editing means, and said editing means restores the electronic program information stored in said electronic program information storage means to the state it was prior to any updating done by said editing means with reference to the histories of the update information stored in said update information storage means If necessary.

Thomas discloses wherein said update information storage means stores histories of the update information generated by said editing means, and said editing means restores the electronic program information stored in said electronic program information storage means to the state it was prior to any updating done by said editing means with reference to the histories of the update information stored in said update information storage means If necessary (Fig. 8; Col. 8, lines 9-46 and Col. 12, lines 28-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Admitted Prior Art in view of DOC. A/65 with the teaching of Thomas so the system able to roll-back to the previous state in case there is some interruption during the process of updating, i.e., data



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corrupted due to power outage, for safe recovery and the updating process is able to restart over from the previous state without losing all the data.

Claims 13, 14 and 15 are analyzed with respect to claim 12.

Claims 24-26, method claims are analyzed with respect to claim 12.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HT:ht  
10/09/2006

A handwritten signature in black ink, appearing to read 'Hai Tran', is written over two horizontal lines.

**HAI TRAN  
PRIMARY EXAMINER**